

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/709,965      | 09/09/96    | GREEN                | P 000287-00483      |

020350 LN11/0313  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

| EXAMINER |              |
|----------|--------------|
| LEE, R   |              |
| ART UNIT | PAPER NUMBER |
| 2713     |              |

**DATE MAILED:** 03/13/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Notice of Allowability**

|                                      |                               |
|--------------------------------------|-------------------------------|
| Application No.<br><b>08/709,965</b> | Applicant(s)<br><b>Green</b>  |
| Examiner<br><b>Richard Lee</b>       | Group Art Unit<br><b>2713</b> |

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to the amendment filed February 17, 1998

The allowed claim(s) is/are claims 26-57 (renumbered as claims 1-32, respectively)

The drawings filed on \_\_\_\_\_ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 8.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

Art Unit: 2713

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Barrish on March 10, 1998.

3. **In the Claims:**

claim 32, line 4, "the" has been changed to --a--;

claim 39, line 3, "the" has been changed to --a--;

claim 47, line 14, after "about", --a first pivotal axis and a second pivotal axis which are

D1 perpendicular to each other and intersect at-- has been inserted;

claim 52, line 2, "controller" has been changed to --control--;

claim 55, line 10, after "handle", --and a movable controller-- has been inserted;

claim 55, line 19, after "about", --a first pivotal axis and a second pivotal axis which are

D2 perpendicular to each other and intersect at-- has been inserted; and

claim 56, line 12, after "about", --a first pivotal axis and a second pivotal axis which are

D3 perpendicular to each other and intersect at-- has been inserted.

40

Art Unit: 2713

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

3/10/98





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

028350 · LN11/0313  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

| APPLICATION NO.       | FILING DATE                                       | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED  |          |          |
|-----------------------|---------------------------------------------------|--------------|-----------------------------|--------------|----------|----------|
| 08/709,965            | 09/09/96                                          | 1032         | LEE, R                      | 2/15/98      |          |          |
| First Named Applicant | GREEN, PHILIP S.                                  |              |                             |              |          |          |
| TITLE OF INVENTION    | ENDOSCOPIC SURGICAL INSTRUMENT AND METHOD FOR USE |              |                             |              |          |          |
| ATTY'S DOCKET NO.     | CLASS-SUBCLASS                                    | BATCH NO.    | APPLN. TYPE                 | SMALL ENTITY | FEES DUE | DATE DUE |
| 2 000287-00483        | 348-065.000                                       | 0-0          | UTILITY                     | YES          | \$650.00 | 02/15/98 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**